IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 22017 of 1994

Between:

Ch. Sita , W/o. Pappula Dsvadas,
Production Centre, Social Welgare,
Dept.Guntur.

..... PETITIONER

AND

1 The Govt. of A.P., rep.by it's Secretary,Social Welfare Dept.,
Secretariat, Hyderabad.
2 Deputy Director of Social Welfare, Behid Zilla Parishad ,
Complex, Guntur.
3 The Collector,
Guntur dist.
4 The Commissioner , Social Welfare Dept.,
R4 impleaded as per court order dt.1-9-98 in W.P.M.P.28765/98.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate Writ or order or direction in the nature of a Writ declaring the action of the respondents in not regularising the services of the petitioner as worker as illegal, irregular, arbitrary, violation of Art.14&16 of the Constitution of India , violative of principles of the natural justice and to direct the respondents to regularise the service of the petitioner as worker with all consequential benefits, and to pass.

Counsel for the Petitioner:MR.J.V.PRASAD

Counsel for the Respondent No.: GP FOR SOCIAL WELFARE

The Court made the following:

THE HON'BLE SRI JUSTICE GHULAM MOHAMMED

W.P.No.22017 of 1994

ORAL ORDER:

This writ petition is filed seeking writ of Mandamus declaring the action of the respondents in not regularizing the services of the petitioner as illegal and arbitrary and to direct the respondents to regularize the services of the petitioner as Worker.

The petitioner states that she has been working as a Worker on daily wages basis on a pay of Rs.27-50 ps per day at the Dress Making Production Centre (DMTC), Guntur, which is under the control of the second respondent-Deputy Director of Social Welfare. In the year June, 1992, the DTMC was shifted from Raja Gardens, Guntur to a private building at Kankaragunta Gate. At that time, it was considered by the second respondent that the services of the petitioner are essential. Accordingly, her services were continued without any break and has been working in the production centre as Worker till the date of filing of the writ petition.

It is the grievance of the petitioner that even though she has been working from the year 1992, her services have not been regularized. Therefore, she seeks appropriate direction to the respondents in this regard.

While admitting the writ petition, this court passed interim order in W.P.M.P.No.27358 of 1994 dated 19.12.1994 directing the respondents to continue the petitioner as Worker on the same terms and conditions on which the petitioner was appointed.

In the counter affidavit filed on behalf of the respondents, it is stated that the petitioner was taken to work on daily wage basis on 04.06.1992 at DMTC by the Assistant Cutter, New Gardent Production-cum-Training Centre, Tenali as there is no post sanctioned to the DTMC is more than the staff for which sanction was accorded.

It is further submitted that the petitioner has not represented either orally or in the shape of representation to regularize her services and that her services were taken on daily wages basis on the need of the work at DMTC and her services were not taken as against the post-sanctioned.

It is further stated in the counter that there are vacancies of class-IV in Government Social Welfare Hostels. As the services of the petitioner are taken on daily wages at DMTC, the services can be taken only after creation of posts in DMTC situated at Guntur and Tenali after fulfilling the norms and qualifications laid down in G.O.Ms.No.212, dated 22.04.1994 as per the Government rules.

It is categorically stated in the counter that her services were being utilized on daily wage basis from the year 1992 on the following days:

"1). During the month of 7/92 .. 26 days

2). During the month of 8/92 .. 22 days

3). During the month of 9/92 .. 24 days

4). During the month of 10/92 .. , ,

5). During the month of 11/92 .. 26 days

6). During the month of 12/92 .. 24 days

7). During the month of 1/93 .. 24 days

8). During the month of 2/93 .. 25 days

9). During the month of 3/93 .. 28 days

10). During the month of 4/93 .. 28 days

11). During the month of 5/93 .. 25 days

12). During the month of 6/93 .. 24 days

13). During the month of 7/93 .. 28 days

14). During the month of 8/93 .. 26 days

15). During the month of 9/93 .. 26 days

16). During the month of 10/93 .. 25 days

17). During the month of 11/93 .. 25 days

18). During the month of 12/93 .. 24 days

19). During the month of 1/94 .. 24 days

20). During the month of 2/94 .. 23 days

21). During the month of 3/94 .. 23 days

22). During the month of 4/94 .. 20 days

23). During the month of 5/94 .. 24 days

24). During the month of 6/94 .. 28 days

25). During the month of 7/94 .. 27 days

26). During the month of 8/94 .. 26 days

27). During the month of 9/94 .. 24 days

28). During the month of 10/94 .. 24 days

29) During the month of 11/94 .. 26 days

30). During the month of 12/94 .. 25 days"

Considering the facts and circumstances of the case, the fact that the petitioner has been engaged on daily wage basis in the year 1992, as is evident from the counter affidavit and in pursuance of the said interim direction, she has been continuing in the said post, I am inclined to dispose of the writ petition directing the respondents to consider the case of the petitioner for regularization of her services as Worker in accordance with law and rules thereon and shall pass appropriate orders.

Accordingly, the writ petition is disposed of. No costs.

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(GHULAM MOHAMMED, J)

Dated 22nd July, 2004.

YCR/KK

To

1 The Secretary, Govt. of A.P., Social Welfare Dept., Secretariat,Hyderabad.
2 Deputy Director of Social Welfare, Behid Zilla Parishad, Complex,Guntur.
3 The Collector, Guntur dist.

4. The Commissioner , Social Welfare Dept.,

5. 2 CCs to GP for Social Welfare, High Court bldgs, Hyderabad (O.U.T).

6. 2 C.D. copies.